

ARTICLE APPEARED
ON PAGE *C-12*

NEW YORK TIMES
12 MAY 1980

Publishers Hear Snepp on C.I.A. Code

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Special to The New York Times

COLORADO SPRINGS, May 11—Frank W. Snepp 3d, the former Central Intelligence Agency analyst who wrote a book about the fall of Saigon, is in one of the most curious legal binds in this country's history. His efforts to describe how he got where he is to a publishers' group here was somewhat disjointed, as Mr. Snepp is not permitted to write out speeches. He spoke from notes jotted on scraps of paper.

On the other hand, if the C.I.A. had disapproved of Mr. Snepp's speaking to the Association of American Publishers, he would have had to write out his speech and submit it to the C.I.A. for censorship. Mr. Snepp, whose book "Decent Interval" earned him more than \$120,000, is "without a penny to my name" and in debt to his publisher and to friends. He is permanently forbidden to speak or write about his experiences with the C.I.A. or about what he learned from them.

He has completed a novel, and that too must be submitted to the agency for censorship. Should he earn any fees by speaking about his situation, that money can be confiscated by the Government.

Question of Contracts

Mr. Snepp believes strongly in the importance and usefulness of the C.I.A. to America; he believes the C.I.A. has to engage in covert operations. He insisted that his book contained no classified information or any information not already in the public domain. The Government has never contended that it did.

Mr. Snepp's case, which was decided in February by the United States Supreme Court in summary fashion without arguments or briefs, turned on contract law and a side argument of fiduciary responsibility. When he joined the agency, Mr. Snepp signed a contract agreeing not to write about the agency without submitting the manuscript for "prepublication review," or censorship, and another contract before he left the C.I.A. agreeing not to reveal classified information.

He argued that the second contract superseded the first and that because he revealed no classified information, he did not break the contract. The Court disagreed; it also ruled that Mr. Snepp was liable under the laws regarding fiduciary responsibility and proceeded to confiscate his earnings from the book.

'My Concern Seems Paltry'

It is even possible that the Internal Revenue Service will demand that he pay taxes on the interest the money earned while it was being held in an escrow account. Mr. Snepp laughed and said:

"My sister is a graduate student in psychology and considers me sort of a lab rat. She wants to see how long I can take this without cracking. But whenever I start to feel self-pity, I remember my Vietnamese friends and what they're going through, and my concerns seem paltry."

Mr. Snepp spoke on a panel at the meeting with Representative Les Aspin, Democrat of Wisconsin, on "Government Secrecy and Book Publishing." Representative Aspin said there were four schools of thought in Congress on what to do about the problems posed by the Snepp decision. "One," he said, "is backed by the improbable coalition of William Colby, former C.I.A. chief, and the American Civil Liberties Union.

"They want to establish a small category of real secrets, such as names of C.I.A. agents, which a person could be prosecuted for revealing, and then just to do away with all the rest of the classified business and contracts, and make prepublication review voluntary.

Messy Tangle

A second thought is that we have a period of malign neglect, on the theory that it is such a horrendous mess it will eventually fall of its own weight. The third route would be to urge the Administration to clean up the tangle of prepublication-review policies and to make it clear who is obliged and who is not, and over what.

The fourth possibility is for Congress to write a law trying to do that. But what if a future Supreme Court

wanted to overturn the Snepp decision. Would it be deterred if Congress had passed prepublication procedures into law?"

Representative Aspin said that given today's climate in Congress, the civil liberties union's position had no chance of passage, adding that malign neglect was a more likely option. "It's always easier," he said, "to get the Congress to do nothing than to do something."

He commented tartly on the Government's contention in the Snepp case that Mr. Snepp, by revealing the chaos that surrounded the pullout from Saigon, had marred the agency's "appearance of confidentiality."

'We're Getting a Flood of Leaks'

"If the intelligence services of other countries are not cooperating with us and our sources are drying up, it's their own damn fault," Mr. Aspin said. "They go and leave the names of their agents in the Embassy files in Saigon for the Communists to find, and now we're getting a flood of leaks about who was lined up in Teheran to help in the hostage-rescue effort. My God, those guys are still there; their lives are in danger."

Representatives of the publishers' association agreed that the best solution would be for the court to reverse itself, the sooner the better. But no one was particularly hopeful about this coming to pass. Mr. Snepp said, "I can't see that a Reagan court would be sympathetic, and if Mr. Carter is re-elected, he's likely to name Griffin Bell to the Court." Former Attorney General Bell is the man under whom the Snepp case was prosecuted.

Mr. Snepp has not been able to get many invitations to speak: "I'm not popular on the college lecture circuit," he said. "If they want an inside view of the agency, they get Colby to speak. If they want a dissident view, they get someone more radical than I am."